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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.3730 OF 2003
IN
SUIT NO.3722 OF 2003

Shabbir Qayyum Tohfafaroshwala ... Plaintiff
V/s.
Firoz Q. Tohfafaroshwala & Anr. ... Defendants

Mr.S.S. Gite for Plaintiff

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **APRIL 21, 2006**

P.C.:

. This Notice of Motion has been filed for appointment of the Court Receiver in respect of the properties at Exhibit A to the plaint and an injunction against the Defendants restraining them from parting with the possession of the property or from creating any third party interest in respect of the suit property.

2. The Suit has been filed for administration of the estate of the Plaintiff's deceased father. Defendant Nos.1 and 2 are plaintiff's brothers. Admittedly, the father of the plaintiff and the defendants expired 40 years ago. There is nothing on record to indicate that the Defendants have not already parted with the suit property. In my view, no case for granting any ad-interim injunction or appointment of the Court Receiver has been made out.

3. Notice of Motion dismissed.